IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23190 of 2004

Between:

Ravuri Chengaiah S/o.Venkataswamy
Tandlam Village, Renigunta (M),
Chitoor Dist.

... PETITIONER

AND

1 The Revenue Divisional Officer
Tirupathi, Chittoor Dist.
2 The Mandal Revenue Officer
Renigunta Mandal, Chittoor Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondents in not preventing and not taking action against the illegal and unauthorized removal of sand from Kasam Thota Kalava of Tandlam village as illegal and arbitrary and consequently direct the respondents not to allow the illegal lifting of the sand from the Kasam Thota Kalava in and around the lands of the petitioner covered by S.Nos. 389/1, 390/1, 390/2 and 391 of Tandlam village.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR Revenue

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not preventing and not taking action against the illegal and unauthorized removal of sand from Kasam Thota Kalava of Tandlam Village as illegal and arbitrary and to direct the respondents not to allow the illegal lifting of the sand.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioner claims to be the owner of land, covered by S.Nos.389/1, 390/2 and 391 of Tandlam Village, irrigated through the bore wells adjoining the Kasam Thota Kalava. It is alleged that the sand in the Kasam Thota Kalava is being lifted unauthorizedly by several persons without any lease to a depth of 30 feet, thereby causing damage to the nearby agricultural bore wells of ryots. It is stated that the same had been brought to the notice of the respondents, but no action whatsoever had been taken to stop the illegal lifting of sand.

4. Learned Government Pleader, on instructions, submits that petitioner has not brought the illegal sand lifting to the notice of the District Level Committee and if any such complaint is received, appropriate action would be taken.

5. In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to file a complaint before the District Level Committee about the illegal sand lifting. On petitioner filing such complaint, the District Level Committee shall consider the same and pass appropriate orders, expeditiously, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

January 17, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The Revenue Divisional Officer
Tirupathi, Chittoor Dist.
2 The Mandal Revenue Officer
Renigunta Mandal, Chittoor Dist.

3 Two C.C. s to the G.P. for Panchayat Raj and Rural

Development, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.